

78B-7-406 Fees -- Service of process.

- (1) Protective orders issued under this part shall be served by the sheriff's office, constable's office, or any law enforcement agency or peace officer, in accordance with Subsection 78B-7-404(8).
- (2) Fees may not be imposed by a court clerk, sheriff, constable, or law enforcement agency for:
 - (a) filing a petition under this part;
 - (b) obtaining a protective order under this part; or
 - (c) service of a protective order issued under this part.
- (3)
 - (a) The offices of the court clerk shall provide forms and nonlegal assistance to an individual seeking to proceed under this part.
 - (b) The Administrative Office of the Courts shall:
 - (i) develop and adopt uniform forms for petitions and orders for protection in accordance with the provisions of this chapter; and
 - (ii) provide the forms described in Subsection (3)(b)(i) to the clerk of each court authorized to issue protective orders.
 - (c) The forms described in Subsection (3)(b)(i) shall include:
 - (i) a statement notifying the petitioner for an ex parte dating violence protective order that knowing falsification of any statement or information provided for the purpose of obtaining a protective order may subject the petitioner to felony prosecution;
 - (ii) language stating violating of any criminal provision is a class B misdemeanor; and
 - (iii) a space for any information the petitioner is able to provide to facilitate identification of the respondent, including Social Security number, driver license number, date of birth, address, telephone number, and physical description.
- (4) If the individual seeking to proceed under this chapter is not represented by an attorney, it is the responsibility of the court clerk's office to provide:
 - (a) the forms adopted pursuant to Subsection (3);
 - (b) all other forms required to petition for an order for protection, including forms for service;
 - (c) except for as provided by Subsection (5), clerical assistance in filling out the forms and filing the petition, in accordance with Subsection (3)(a);
 - (d) information regarding the means available for the service of process;
 - (e) a list of legal service organizations that may represent the petitioner in an action brought under this part, with the phone numbers of those organizations; and
 - (f) written information regarding the procedure for transporting a jailed or imprisoned respondent to the protective order hearing, including an explanation for the use of transportation order forms when necessary.
- (5) A court clerk's office may designate any other entity, agency, or individual to provide the service described in Subsection (4)(c), but the court clerk's office is responsible to see that the service is provided.
- (6) A petition for a dating violence protective order or ex parte dating violence protective order shall be in writing and verified.
- (7)
 - (a) All protective orders issued under this part shall be issued in the form adopted by the Administrative Office of the Courts under Subsection (3)(b).
 - (b) Each protective order issued under this part, except orders issued ex parte, shall include the following language:

"Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of

Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."

Enacted by Chapter 179, 2013 General Session